

24/00478/PLAREG

WARD: ST JUDE

60A ELM GROVE  
SOUTHSEA  
PO5 1JG

**THE CONTINUED SITING OF SHIPPING CONTAINER FOR USE AS STORAGE WITH RETENTION OF WOODEN ROOF AND EXTRACTION SYSTEM AND CONSTRUCTION OF 2M FENCE AT THE REAR OF THE PROPERTY (RESUBMISSION OF 24/00065/FUL)**

[24/00478/PLAREG | The continued siting of shipping container for use as storage with retention of wooden roof and extraction system and construction of 2m fence at the rear of the property \(resubmission of 24/00065/FUL\) | 60A Elm Grove Southsea PO5 1JG](#)

**Application Submitted By:**

Mrs Francelita Balbido on behalf of Town Planning Expert

**On behalf of:**

Ms Ewa Dyktynska on behalf of The Sourdough Bakehouse Eatery Ltd

**RDD:** 23.04.2024

**LDD:** 19.06.2024

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is brought to Planning Committee as the previous application was refused by the Planning Committee contrary to the officer recommendation to approve.
- 1.2 The main issues for consideration in the determination of the application are considered to be as follows:
  - The principle of development;
  - Design and Impact on the character of the area;
  - Impact on residential amenity;
  - Highway Implications;
  - Waste

**2.0 SITE AND SURROUNDINGS**

- 2.1 The application relates to the rear alleyway access of a parade of shops, located on Elm Grove, in Southsea Portsmouth. Properties No.44 - 62 (evens) benefit from this rear access, which links Pelham Road to Woodpath. Elm Grove is a busy high street, whilst Woodpath and Pelham Road are relatively quiet residential streets.
- 2.2 The application site is 'The Sourdough Bakehouse' , a "traditional English kitchen and coffee shop". The site is in Class E use, which is the predominant use of the units on the relevant parade on Elm Grove.
- 2.3 The rear alleyway access services a number of commercial units, and some residential properties. The application site is directly opposite the side elevation of 2 Woodpath, which is a residential dwelling, with garden access from the service road to the rear of the commercial units.

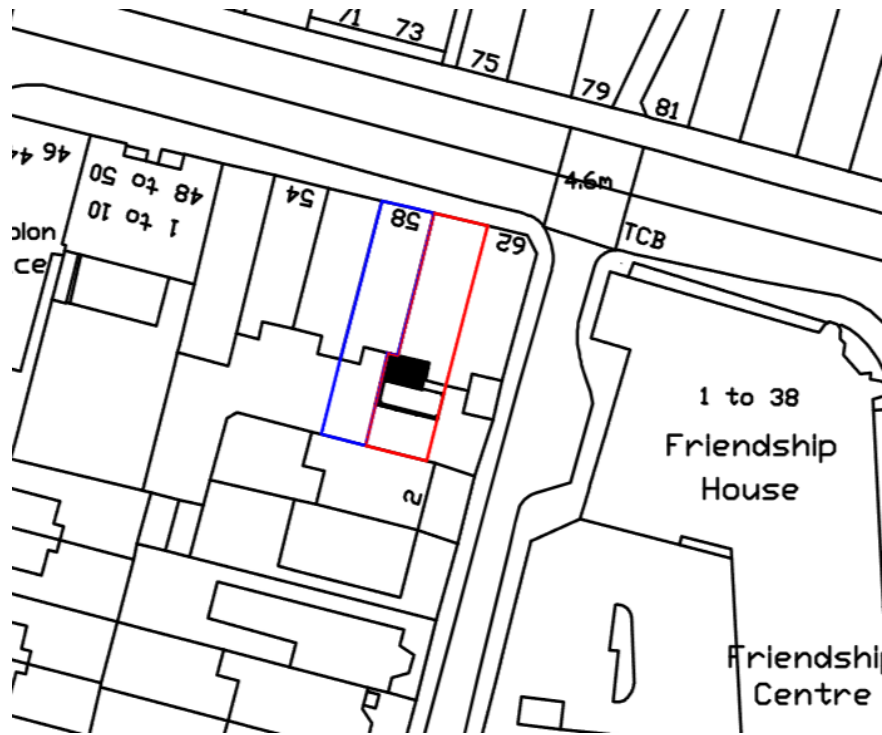


Figure 1 - Site Location Plan

### 3.0 THE PROPOSAL

- 3.1 Planning Permission is sought for the retention of a shipping container, the retention of a wooden roof structure, the retention of an extraction system, and the construction of a 2m panelled fence at the rear of the unit.
- 3.2 The changes to the scheme from the previous refusal include a trellis feature along the height of the fence and the planting of hanging plants from the trellis. The shipping container was requested to be painted a different colour by the Planning Officer, however this was not agreed by the applicant (as the container is rented) and thus the plans indicate the container remains blue.
- 3.3 The proposed fence is 2m in height and adjoins the approved fence at 62 Elm Grove. It would be constructed from wood.
- 3.4 The shipping container would have a wooden roof attached, in order to prevent water damage during rain.

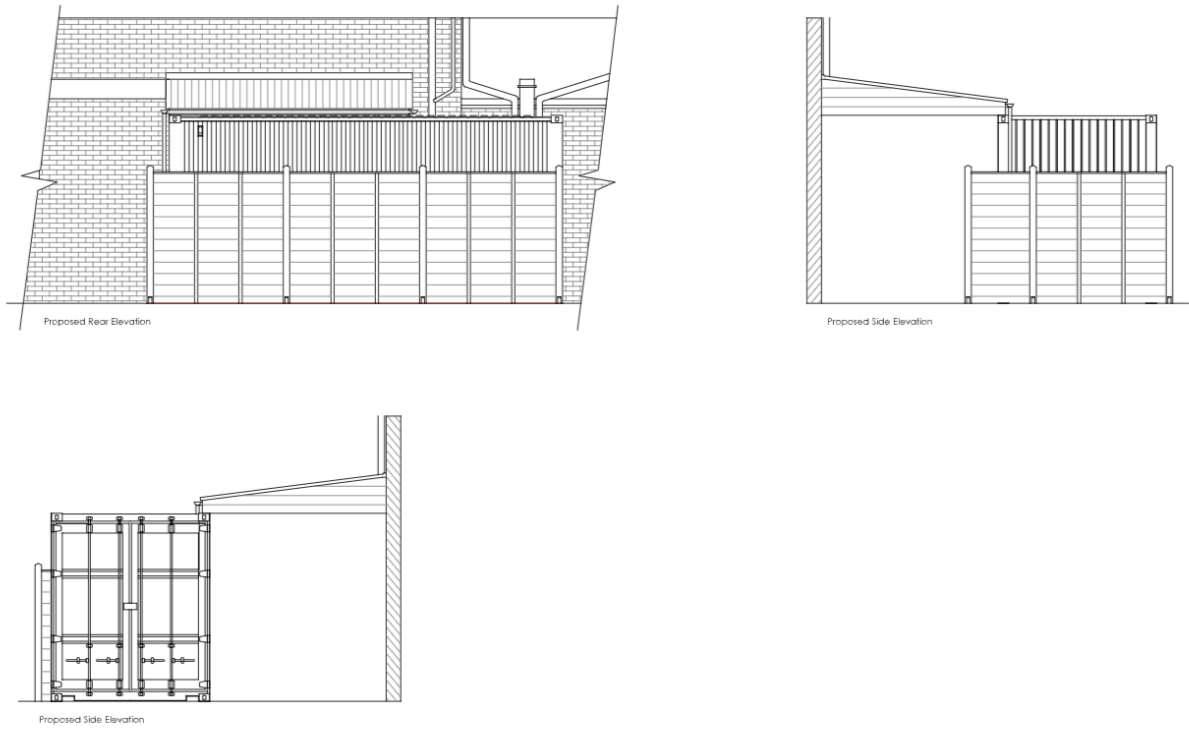
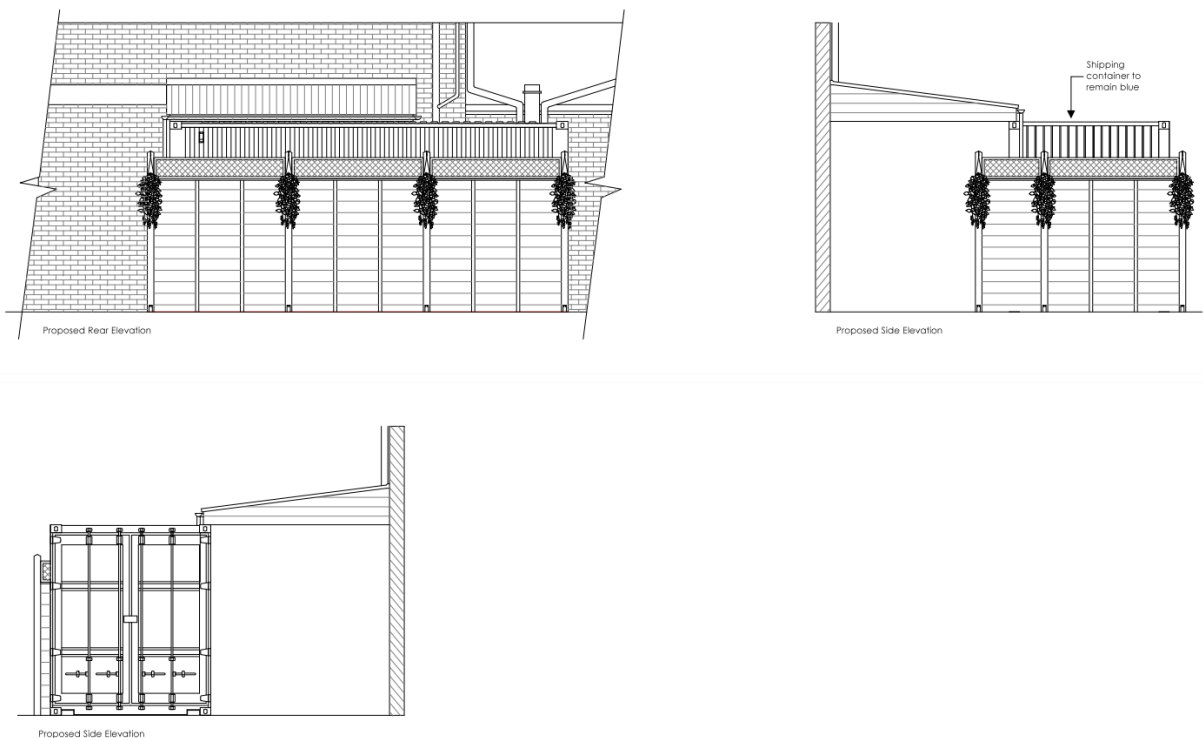


Figure 2 - previous scheme above, proposed visual amenity amendments below



## 4.0 PLANNING HISTORY

- 4.1 23/01320/FUL, a similar application at 62 Elm Grove (the units eastern neighbour), was approved on 14 February 2024. That application received over 50 supporting comments. The application sought to regularise the siting of the shipping container. It was judged that the fence, in conjunction with the shipping container was a suitable mitigation for the storage of waste and extra space for business. Both sites have broadly the same key issues (storage of waste, visual amenity). The approved site at No.62 is more prominent in the streetscene from Woodpath being the corner plot.

4.2 The original application, 24/00065/FUL was submitted as a largely similar scheme but without the added visual mitigation as included in the current application. This was refused for reasons of visual amenity and refuse collection by committee on the 3 April 2024.

## **5.0 CONSULTEE RESPONSES**

5.1 Highways Engineer - no response received.

5.2 Waste Management Service - no response received

5.3 Regulatory Services - No objections

## **6.0 REPRESENTATIONS**

6.1 Letters to adjoining properties were sent on 20.05.24. Site Notices were erected outside the site and on adjoining roads on 15.08.24.

6.2 No formal written objections have been received on the current application.

## **7.0 POLICY CONTEXT**

### Portsmouth Plan (2012)

7.1 In addition to the aims and objectives of the National Planning Policy Framework (2024), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- PCS8 (District Centres)
- PCS17 (Transport)
- PCS23 (Design and Conservation)

## **7.2 Pre-Submission Portsmouth Local Plan 2020-2040**

7.3 The draft Pre-Submission Portsmouth Local Plan 2020-2040 was adopted at full council on 28 May 2024 and consultation on the Pre-Submission Local Plan closed in September 2024.

PLP1: Design

7.4 Having regard to the NPPF paragraph 48 and the stage the emerging plan has reached in its preparation, limited weight is given to the above policies at this precise time.

## **7.5 National Guidance**

- National Planning Practice Framework (revised 2024)

## **8.0 OFFICER ASSESSMENT**

8.1 The main determining issues for this application relate to the following:

- The principle of development;

- Design and impact on the character and appearance of the surrounding area
- Impact on neighbouring residential amenity;
- Highways/Parking
- Waste;

## 8.2 Principle of development

8.3 The application seeks the retention of a shipping container sited on the rear access of 60 Elm Grove. The site is an existing commercial unit within the defined Albert Road & Elm Grove district centre. There are significant economic and social benefits in supporting businesses and services in the district centre and the employment they provide. Therefore the principle of development which facilitates the ongoing commercial use of the property is acceptable under Policy PCS8 of the Local Plan.

## 8.4 Design & impact on character

8.5 The shipping container measures 2m by 6m and would protrude from the top of the fence by approximately 0.9m which would be visible from Woodpath. This is mitigated by the construction of the fence, which would generally obscure views of the container from Woodpath and Pelham Road except for the very top. The fence is considered to be an acceptable mitigation for the continued siting of the container and provides a better visual context to the rear service areas of the commercial units than the existing. Furthermore, this has been approved as acceptable mitigation on the more prominent site at No. 62 adjacent.

8.6 In addition to the previous refused scheme, a trellis feature has been added to the fence and various planting along the fence in order to further mitigate the visual impact of the shipping container. As stated above, the container itself was requested to be painted a differing colour to blue. This was not agreed and thus the container remains in its original colour. However, this is not considered to overly harm the visual appearance of the area as the fence and planting mitigates the views of the unit.

8.7 The rear access to these units has been established as a storage area for waste and other materials for some time and as the rear service yard to a row of commercial properties can be expected to have such a typical "back of house" character. It has been established that the business would continue to use the container for storage of stock, which would facilitate the efficient running of the business. The economic benefit to the businesses from the continued siting of these containers is a material consideration in favour of the application, considering that Elm Grove itself is a defined District Centre in the Portsmouth Local Plan.

8.8 The site lies outside both the Castle Road Conservation Area (30m to the SW) and the Owens Southsea Conservation Area (40m to the SE). Due to being set into the rear service yard, the proposals will not be prominent in views towards or from either Conservation Area. As a result the scheme is not considered to adversely impact on the setting of either heritage asset.

8.9 The scheme has acceptable impacts on the character and appearance of the area and therefore complies with Policy PCS23 in this regard.

## 8.10 Neighbouring living conditions

8.11 In the designated area proposals for restaurants, drinking establishments and hot food takeaways will be supported under Policy PCS8 provided that there is no unacceptable adverse impact on the amenity of residents. The siting of the container and the proposed fence is not considered to adversely impact the living conditions of any surrounding

occupiers by reason of their physical size or appearance and it is noted the more prominent container at No. 62 has been found to be acceptable.

- 8.12 In terms of its use, the proposals support the ongoing use of an existing commercial unit within a defined district centre and therefore the activities associated with this are consistent with the area's character. Its use is considered to be compatible with neighbouring living conditions and is not considered to give rise to unreasonable noise or disturbance to nearby dwellings.
- 8.13 The proposed retention of the extraction system is not objected to. No objections have been raised in respect of noise complaints from the commercial unit.
- 8.14 The impacts on neighbouring living conditions are considered to be acceptable and the scheme therefore complies with Policy PCS23 in this regard.
- 8.15 **Highway safety**
- 8.16 The proposals adjoin a private rear service yard for the commercial properties. The application shows the land to be under the control of the applicant. Access into the service yard is retained for the commercial units. No comments have been received from the Highways Authority. There is no evidence the scheme will adversely impact on highway safety and the scheme therefore complies with Policy PCS17 in this regard.
- 8.17 **Waste**
- 8.18 The previous scheme was also refused by committee on grounds of an inadequate refuse collection situation. Given that the bins used by the business can be located within the enclosed fenced area, this is not considered to warrant refusal of the application in itself. Indeed it will be a visual benefit over the existing situation. No adverse amenity or health concerns are believed to arise from either the existing or proposed situation. The presence of such bins should be expected within the rear service yard of a row of commercial properties. The scheme therefore complies with Policy PCS23 in this regard.
- 8.19 Overall, considering the above, the proposals are recommended for approval subject to conditions.

#### Human Rights and the Public Sector Equality Duty ("PSED")

- 8.20 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 8.21 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered

that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

## 9.0 CONCLUSION

- 9.1 The Local Planning Authority must be able to demonstrate consistency in its decision-making. Having found the more prominent proposals at No. 62 to be acceptable, there are no reasonable grounds to resist the current scheme.
- 9.2 Having regard to all material planning considerations and representations it is concluded that the proposed development is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2024).

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

## CONDITIONS

### Time Limit:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### Approved Plans:

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - SHIPPING CONTAINER 02 PRO ELVES; SHIPPINGCON04.

Reason: To ensure the development is implemented in accordance with the permission granted.

### Fence to be erected

- 3) The fence and trellis hereby approved shall be completed in its entirety within 6 months of the date of this decision and thereafter retained.

Reason: To ensure that the development accords with Policy PCS23 'Design and Conservation' of the Portsmouth Local Plan (2012).

### Materials to be submitted

- 4) Prior to commencement, the materials to be used in the construction of the fence shall be submitted to, and approved in writing, by the Local Planning Authority.

Reason: To ensure that the development accords with Policy PCS23 'Design and Conservation' of the Portsmouth Local Plan (2012).